

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY ANDERSON,)	
Plaintiff,)	
)	No. 1:20-cv-547
-v-)	
)	Honorable Paul L. Maloney
KENT ENGLE,)	
Defendant.)	
_____)	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME AND ORDER
ADOPTING REPORT AND RECOMMENDATION**

Plaintiff Jeffrey Anderson, proceeding without the benefit of counsel, filed this lawsuit against the state court judge who presided over his divorce proceeding. Defendant filed a motion to dismiss. (ECF No. 3). The Magistrate Judge issued a report recommending the motion be granted. (ECF No. 8.) Plaintiff requested additional time to file objections. (ECF No. 12). The Court will grant Plaintiff's motion and will adopt the report and recommendation.

I.

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam).

II.

Plaintiff filed a motion requesting an extension of time to file his objections. (ECF No. 12. Plaintiff asked permission to file a response by November 9, which he did.

The Court **GRANTS** Plaintiff's request for an extension of time to filed his objections. (ECF No. 12.)

III.

The nature of Plaintiff's allegations and the relief he requests is critical to the pending motion and report and recommendation. Plaintiff alleges Defendant demonstrated personal dislike for Plaintiff through Defendant's derogatory and discriminatory remarks both in and out of court. (ECF No. 1 Compl. ¶ 9.) Plaintiff alleges Defendant lied on the judgment. (*Id.* ¶ 11.) And, Plaintiff alleges Defendant expressed an improper fondness for Plaintiff's former spouse outside of the divorce proceedings. (*Id.* ¶ 12.) Based on these factual allegations, Plaintiff asserted a claim for deprivation of due process. For relief, Plaintiff requested this Court "rescind any and all of Judge Engle's acts, order and rulings in said case[.]" (PageID.12.)

The Magistrate Judge identified three reasons to grant the motion to dismiss.

A. Failure to respond. Plaintiff was granted an extension of time to file a response to Defendant's motion, and his response was due on September 21. (ECF No. 7.) The R&R issued on September 21. The Magistrate Judge found that Plaintiff failed to response. Plaintiff objects.

The Court will consider Plaintiff's response. Plaintiff's response was entered on the Court's electronic docket on September 23. (ECF No. 9.) The envelope containing

Plaintiff's response displays a stamp showing that the response was mailed or shipped on September 21. (PageID.39.) The Court assumes, without deciding, that the mail-box rule applies. The Court has reviewed Plaintiffs' response. Generally, Plaintiff raises the same arguments in his response that he does in the objections to the R&R.

B. Judicial Immunity and *Rooker-Feldman*. The Magistrate Judge found that both doctrines applied and precluded Plaintiff's request for relief. Plaintiff objects. Plaintiff argues that his allegations identify acts taken outside of Defendant's judicial capacity.

Plaintiff's objection is overruled. The nature of Plaintiff's claim and the relief he seeks are precluded by judicial immunity and *Rooker-Feldman*. As pled in the complaint, Plaintiff's injury was a loss of due process. Put another way, he did not receive a fair hearing or trial. For relief, he wants this Court to essentially set aside all of the orders and judgment in the state court proceedings. The injury identified and the relief sought are challenges to Defendant's acts as a judge, even if the factual assertions about impropriety identify non-judicial acts.

Accordingly, the Court **ADOPTS** the Report and Recommendation (ECF No. 8) as its Opinion. The Court **GRANTS** Defendant's motion to dismiss. (ECF No. 3.) **IT IS SO ORDERED.**

Date: November 12, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge